Vol. VII. Numb. 93

THE OBSERVATOR.

Farther Reflexions on the Reasonableness of a Law to make Ambassadors, and other foreign Ministers, inviolable, and not subject to the Laws of the Country whither they are sent. On the Rehearser's *fomenting Divisions among us; and particularly his slandering the Church of* Scotland.

From Saturday, January 1. to Wednesday, January 5. 1709.

Country-m. I Want to hear something farther, Master, about the Priviledges of Ambassadors, and other publick Ministers; for some People think you are for allowing them too much, and say, at that Rate they may contract Debts, and never pay them; commit Murder, Treason, *&c.* and not be punish'd for it; which may open a Door for them not only to defraud and murder Subjects, but to form Plots, and raise Rebellions against Sovereigns.

Obs. You argue, *Roger*, as if you were retain'd against the Bill; but don't be too confident; for how strong soever you think your Objection, 'twill appear to be very weak, when examin'd. The Dangers you talk of, may be very well provided against, without offering any Violence to the Persons of Ambassadors; for tho' they be not subject to the Laws of such Countries where they reside, they are subject to the Prince or State that sends them: And as no Prince or State sends Ministers to another, without expressing a Confidence and Desire of a fair Understanding with them, they are always receiv'd upon that Confidence; and therefore their Masters are oblig'd to do Justice upon them, if they act an ill Thing, because the *Odium* will otherwise reflect upon themselves, and they may be call'd to an Account for it by War, as Violaters of the Laws of Nations; for the same Reason that makes the Persons of Ambassadors inviolable, obliges Princes and States to take Care that their Ambassadors act nothing contrary to the Laws of the Country or Government whither they are sent, or to punish them in an exemplary Manner, if they do; otherwise there would be an End of all Correspondence betwixt different Nations; no Treaties of Commerce, or of Peace and War, offensive or defensive, could be made; the End of Embassies would cease, and all the Governments of the World must fall together by the Ears: For, at that Rate, the Character of an Ambassador would be worse than what Sir *Henry Wotton* makes it, *viz.* That they are sent Abroad to tell Lies for the common Good. For if their Masters were not oblig'd by the Law of Nations to punish them, they might commit all Sorts of Villanies and Crimes against the Governments and People whither they are sent, with Impunity.

Country-m. Well, Master, you have said a great deal. I am satisfy'd, that Governments have a ready Way to obtain Justice upon publick Ministers, if they act contrary to their Character; because, if their Masters will not make Compensation, they can, by themselves, or their Allies, make use of the long Gun and the Sword: But what can we private Men do?

Obs. You have your own Prince to do you Justice, *Roger*. They receive foreign Ministers upon Confidence, and allow their Persons to be sacred, for the Reasons above-mention'd; therefore they are oblig'd, by the Duty of their Office, to see their Subjects redress'd, when they receive any Injury from them; so that when any Wrong of that Nature is committed, the Subjects ought to have Access to the Ministers of State, to lay the Case before them, in order to a Redress: I mean, if they contract Debts, and refuse to pay them, or have committed any Outrage upon their Persons; but in Case of Violence offerr'd by a foreign Minister, or any of his Retinue, to the Lives or Honour of any Subject, the Law of Nature, which allows Self-Defence, supersedes the Law of Nations. For Instance, *Roger*, If a foreign Minister, or any of his Retinue, should assault your House, or your Person, and endeavour to commit a Rape upon *Joan*, or any of your Daughters, you may lawfully defend your self, or any of your Family, from such an Insult; and if the foreign Minister, or any of his Retinue, fall in the Scuffle, or be wounded or maim'd, you are not guilty of any Breach of the Law of Nations, and the Offenders cannot plead it against you. Yet even in such a Case, if they escape, there's no Redress against them by the Laws of the Country where they reside, any otherwise than by making Application to your own Prince, who, in that Case, is, by their Ministers, to represent the Matter to the Prince or State that sent them, and to demand Justice according to the Law of Nations; which, if it be refus'd, the Prince offended is at Liberty to make Reprisals by War, or otherwise.

Country-m. I think it very hard tho', Master; for at that Rate, the Criminal may escape by the Favour of his own Prince, without making any Reparation to the Prince offended, for the Loss of the Life or Honour of his Subjects.

Obs. There's something of a Hardship in it indeed, *Roger*; but in this, as in all other Cases, the general Good must take Place of the particular; for 'tis better in such Cases, which can happen but seldom, that private Persons should suffer, than that the Publick should be damag'd, as it must certainly be, if foreign Ministers, and their Retinue, be liable to the Laws of the Nations where they reside; for if that be allow'd, it were an easy Matter for any designing Prince or Court to trump up false Accusations against foreign Ministers, upon any Disgust; and by this Means all publick Faith would cease, and no Negotiation could be carry'd on betwixt one Prince or State, and another; so that all the World would fall together by the Ears, and general Confusions and Wars must ensue; for no Minister, at this Rate, could speak faithfully and boldly for the Interest of the Prince or State that sends him, but those to whom he is sent would pretend, that they offended against their Crown or Dignity; tho' at the same Time, the Minister must deliver such and such a Message, or speak so and so, according to the Instruction of his Master or Masters, on Pain of being punish'd as a Traitor upon his Return: So that if they be subject to two separate Allegiances, at one and the same Time, 'tis impossible they can act with Safety or Fidelity to either; for 'tis agreeable to Reason, as well as Revelation, *That no Man can serve two Masters, but must either cleave to one or t'other.* Besides, *Roger*, as to the Case of Debts contracted by Ambassadors or other foreign Ministers, the Subject has it in his Choice, whether he will trust them or not, or how far. No Man among our selves will trust those, who live in priviledg'd Places, with any Thing considerable, except they have good Security for it; or if they do, 'tis at their Peril; and it ought to

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be the ſame as to foreign Miniſters. The Publick is not oblig'd to make Good the Damage which Subjects bring upon themſelves, by their own Imprudence: And I appeal to any Man of common Senſe, in the Caſe of the late *Muſcovite* Ambaſſador, whether it had not been better the Perſons who arreſted him, ſhould have loſt their Debt, than that the Nation ſhould have ſuffer'd ſo much in their Honour, and that our Miniſter at the Czar's Court ſhould have been expos'd to an Affront by Way of Repriſai, or the Effects of our Merchants in the Czar's Dominions made liable to a Seizure?

Country-m. You have ſatisfy'd me, Maſter, as to the Reaſons why foreign Miniſters ſhould not be liable to Proſecutions in the Countries where they reſide, by private Perſons. I muſt beg your Opinion another Time, whether they are to have the ſame Priviledge if they plot againſt the Governments where they reſide? for I muſt pray you now to talk a little about the *Rehearſal*, who, tho' a Subject, continues publickly to inſult the Government by his virulent Libels.

Obſ. That's no News, *Roger*; 'tis the very End for which he writes, and for which he is pay'd and ſupported. Had he writ like a Gentleman, a Scholar, or a Divine, or kept within any tollerable Bounds of Modeſty, I ſhould never have complain'd, as I have done, of the ſcandalous Neglect that thoſe concern'd in the Adminiſtration are guilty of, in not proſecuting him. I am truly ſorry, that by his mad and extravagant Way of Writing in his *Rehearſals*, and his *Regale*, he ſhould bring a Diſrepute upon what he has writ ſo well againſt Socinians and Deiſts; and tho' he has call'd me a *Villain* in his Paper, which is a Term no Man of Education ought to uſe to another, the worſt I wiſh him, is, that he may recover his Senſes, and come to a Temper, which he ſeems abſolutely to have loſt; and were I to chuſe his Puniſhment, it ſhould be no other than a private Retirement, good Treatment, and an able Phyſician; for I find the poor Man is troubl'd with the over-flowing of the Gall, which affects his Head.

Country-m. What do you ſay to his Paper of *Saturday* laſt, Maſter, where he charges the *Presbyterians with thinking private Baptiſm worſe than none; and that there is no Benefit at all in Baptiſm; that the Church of* Scotland *has no Authority to baptize; that 'tis better to be baptiz'd by a Porter, than by the Moderator of the General Aſſembly; that 'tis better to die without Baptiſm, than have it from the* Eraſtian *Kirk, which has unchriſten'd* Scotland, *&c?* Don't you think he deſerves to be puniſh'd for thoſe Things?

Obſ. I do think it a Scandal to the *Britiſh* Miniſtry, and particularly to the *Scotch* Members of Parliament, *Roger*, that he has not been call'd to an Account for thoſe Things long ago: Not that what he ſays deſerves any Regard, either of it ſelf, or as it comes from him, but as he is the Mouth of a Party, who make it their Buſineſs to ſow Diviſions among us; and as their reſtleſs Paſſions and arbitrary Principles brought one Popiſh Prince to the Throne already, which we found, by woful Experience, to be inconſiſtent with our Religion and Liberty, the Audaciouſneſs of this malicious Slanderer and Libeller, whom they encourage as their Advocate, and value themſelves upon his Performances, tho' ſilly and contemptible to the utmoſt Degree, is to me a plain Proof, that they ſtill aim at advancing another Popiſh Prince, tho' all of that Perſwaſion, are deſervedly excluded by our Laws; and 'till all ſuch Libels be ſuppreſs'd, and our Univerſities, Churches, and publick Poſts, be purg'd of Men of ſuch Principles, by a ſtrong Doſe of State-Phyſick, ſuch as a Teſt to oblige them to renounce, or lay down, I can't blame the *French* King and the Pretender, to think they have Encouragement to renew their Attempt to invade us, and to conceive their Party to be numerous and ſtrong.

Country-m. I think you are perfectly in the Right, Maſter; and let the *Scots* take it as they pleaſe, were I an Elector in *North Britain*, that Man ſhould as ſoon have my Head, as my Vote again, that would not concur in a Reſolve, to have him puniſh'd, for an Example to others, who ſhould dare to inſult and belie their Church-Conſtitution in ſuch a Manner, which both Nations have thought fit to make unalterable, and one of the fundamental Articles of the Union.

Obſ. They have Reaſon to do ſo, *Roger*; for his Charge upon them, as to Baptiſm, is one of the moſt invenom'd Falſhoods that ever was drop'd from a Pen; as may be ſeen by the 28th Chapter of their Confeſſion, where they ſpeak with as much Reſpect of Baptiſm, as any Proteſtant Church of the World, and not only aſſert the Efficacy, but condemn the Neglect of it. But more of this another Time, *Roger*.

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